



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,383	04/02/2001	Paul A. Smethers	3399P033	1634

7590

04/07/2004

Jordan M. Becker
BLAKELY Y. SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Office Action Summary

Application No.

09/825,383

Applicant(s)

SMETHERS ET AL.

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 3, 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 40, 47 and 82 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. [US. 6,198,479].

As to claim 1, Humpleman et al. discloses a processor; a display; and a storage device having a browser stored therein, which, when executed by the processor, displays a dual browser/ application menu on the display (column 2, lines 52-65 and column 7, lines 12-34); a plurality of icons arranged in a row, each of the icons representing a different browser-specific function (column 3, lines 12-34); and a plurality of substantially text-based items arranged in a list in proximity to, but oriented differently from, the plurality of icons, each of the substantially text based items representing a different application-specific function (column 4, lines 20-30 and column 13, lines 1-14). As to claim 2, Humpleman et al. also discloses the hand held wireless communication device lacking a direct pointing device (column 15, lines 42-64).

Art Unit: 2174

As to claim 3, Humpleman et al. teaches the plurality of icons are arranged in a horizontal row within the dual browser/ application menu, and wherein the plurality of items are arranged in a vertical list within the dual browser/ application menu (figure 8).

As to claim 6, Humpleman et al. also teaches each of the browser-specific functions and the application specific functions are selectable using one or more softkeys of the hand-held wireless communication device (column 2, lines 52-60).

As to claims 40 and 47, the claim is analyzed as previously discussed with respect to claims 1 except for displays a plurality of user-editable controls on the display.

Humpleman teaches (column 8, lines 1-35); places one of the controls in an editable mode to enable editing of the control by a user (column 7, lines 12-35);

As to claim 82, the claim is analyzed as previously discussed with respect to claims 1 except for sequentially enables the rows for selection, in response to a plurality of successive user inputs from the pointing device. Humpleman shows it at column 8, lines 15-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5, 7-39, 41-46, 48-81 and 83-99 rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. in view of Dow et al. [US. 6,232,973].

Art Unit: 2174

As to claims 4, 8, 14, 18, 21, 25, 61 and 70, Humpleman et al. also does not teach icons being horizontal. However, Dow et al. teaches the feature at column 9, lines 17-45. It would have been obvious to one of ordinary skill in the art, having the teachings of Humpleman et al. and Dow et al. at the time the invention was made to modify the plurality of icons as taught by Humpleman et al., to include the menu of Dow et al., in order to allow the user to be easily selecting application functions by displaying icons horizontally as taught by Dow et al.

As to claims 5 and 13, Humpleman in view of Dow et al. teaches the dual browser/application menu further including a horizontally oriented dismiss bar in proximity to the plurality of icons and the plurality of substantially text-based items, the dismiss bar selectable by the user to dismiss the dual browser/ application menu (figure 7).

As to claim 7, the claim is analyzed as previously discussed with respect to claim 1

As to claims 9, 12, 17, 20 and 24, the claims are analyzed as previously discussed with respect to claim 5.

As to claim 10, the claims are analyzed as previously discussed with respect to claims 1.

As to claims 11, 16 and 23, Humpleman et al. also discloses the hand held wireless communication device lacking a direct pointing device (column 15, lines 42-64).

As to claims 15, 19 and 15, the claims are analyzed as previously discussed with respect to claim 7.

As to claims 26, 30, 32, 36 and 38, the claims are analyzed as previously discussed with respect to claim 1 except for persistently displays an icon in a predetermined part of each of a plurality of display screens of hyperlinked content, the icon representing a pop-up browser menu that contains a plurality of items representing browser-specific

features. While Humpleman teaches icons and hyperlinked content (column 6, lines 45-65 and column 7, lines 12-34), Dow et al. teaches the icon representing a pop-up browser menu that contains a plurality of items representing browser-specific features (column 7, line 60 through column 8, line 5).

As to claims 27, 31, 33, 37 and 39, Dow et al. shows a selection control and a set of directional controls for moving a selection indicator bi-directionally along only a single axis and the pop-up browser menu can be accessed by a user using only the set of directional controls and the selection control (column 6, line 53 through column 7, line 5).

As to claims 28 and 34, Dow et al. teaches the display screens being a title bar of each of the display screens (figure 4A).

As to claims 29 and 35, Dow et al. also teaches the predetermined selectable item is a top selectable item in any of the display screens (column 8, line 50 through column 9, line 10).

As to claim 41, Dow et al. provides the display is automatically scrolled to place said next one of the controls in view in the editable mode in response to said single user input (column 10, lines 35-55).

As to claims 42-45, 49, 53 and 55-56, the claim is analyzed as previously discussed with respect to claim 1 except for the buttons. Dow et al. teaches the feature at column 5, lines 20-30.

As to claims 43, 46 and 50, Dow et al. also provides next one of the controls being the control which is located closest to said one of the controls on the display (column 8, lines 45-60).

Art Unit: 2174

As to claims 44, 48 and 51-52, the claim is analyzed as previously discussed with respect to claims 42-43 except for the one of the controls includes a plurality of user-selectable items that can be sequentially highlighted in response to user inputs (column 9, lines 15-43).

As to claims 57, 66-67 and 75-76, Dow et al. shows the controls being currently in one of the plurality of editing modes, the menu, includes a plurality of items that are selectable to allow the user to switch between the plurality of editing modes (column 9, lines 20-50).

As to claims 58 and 59, Humpleman shows the second soft key visually indicates which of the plurality of editing modes is currently selected (column 2, lines 52-60).

As to claims 60, 62-65, 69, 72-74, 78 and 80-81, the claims are analyzed as previously discussed with respect to claim 42.

As to claim 68 and 77, Dow et al teaches the second softkey visually indicating which of the plurality of controls is currently in an editing mode (column 10, lines 35-55).

As to claim 61 and 79, Dow et al. also teaches wherein the content of the menu being dependent upon a current context of the display (column 3, lines 15-30).

As to claims 83-93, Dow et al. provides the pointing device having a set of up/down directional keys (column 9, lines 15-40).

As to claim 84, Dow et al. also provides selection of one of the cells enable the cell to be edited by a user (figure 5).

As to claims 85-86 and 90-91, Humpleman et al. demonstrates each cells representing a day and a week (column 20, lines 52-67).

As to claims 87-88, Dow et al. also demonstrates browser highlights each row that being enabled for selection (figure 4a-4b).

Art Unit: 2174

As to claim 89, the claim is analyzed as previously discussed with respect to claims 82-83.

As to claim 92, the claim is analyzed as previously discussed with respect to claims 82 except for the feature of a mark up language. Humpleman et al. teaches this limitation at column 4, lines 12-30.

As to claims 94-96, Dow et al. shows the user may move an indicator between the body and the static area by using the pointing device, the indicator for indicating an item shown on the display (column 5, lines 48-65).

As to claim 97-99, Dow et al. teaches the static area being located along an edge of the display, a header of the screen and a footer of the screen (column figure 7, column 8, lines 1-25).

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 872-9306 for all kind of communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-

Art Unit: 2174

1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100